UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GIL ESPINOBARROS APOLINAR and DELFINO FELIX VARGAS, *individually and on behalf of others similarly situated,*

Plaintiffs,

-against-

R.J. 49 REST., LLC d/b/a Toasties (at 148 W 49th Street), ARK 48th CORP d/b/a Toasties (at 6 E 48th Street), JOHN DOE 01 CORPORATION d/b/a Toasties (at 23 E 51st Street), N.J. 52 INC. d/b/a Toasties (at 599 Lexington Ave), 924 THIRD AVE. DELI, INC. d/b/a Toasties (at 924 Third Ave), JOHN DOE 02 CORPORATION d/b/a Toasties (at 924 Third Ave), TOASTIES ONE CORP d/b/a Toasties (at 214 7th Ave), TOASTIES DELI CORP d/b/a Toasties (at 214 7th Ave), CCKO, INC. d/b/a Toasties (at 25 Union Sq. West), ROBERT KIM, ELLIOT LEE, SUSAN KIM and RAYMOND KIM,

Defendants.

No.: 15-cv-8655 (KBF)

DECLARATION OF RICHARD I. GREENBERG, ESQ. IN SUPPORT OF DEFENDANTS' R.J. 51'S, N.J. 52 INC.'S AND SUSAN KIM'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct:

1. I am a Shareholder with the law firm of Jackson Lewis P.C., counsel for Defendants R.J. 49 Rest., LLC d/b/a Toasties (at 148 W 49th Street), R.J. 51 Inc., incorrectly named as John Doe 01 Corporation d/b/a Toasties (at 23 E 51st Street), N.J. 52 Inc. d/b/a Toasties (at 599 Lexington Ave), Susan Kim and Robert Kim (Defendants R.J. 51 Inc., N.J. 52 Inc. and Susan Kim, together the "Moving Defendants"). As such, I am fully familiar with the facts and circumstances of this action.

2. Attached as Exhibit "A" is a tru e and correct copy of Plaintiffs' Complaint in this matter.

I declare under the penalty of perjury that the forgoing is true and correct.

/s *Richard I. Greenberg*
Richard I. Greenberg

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2016, the enclosed DECLARATION OF RICHARD I. GREENBERG, ESQ. IN SUPPORT OF DEFENDANTS' R.J. 51 INC.'S, N.J. 52 INC.'S AND SUSAN KIM'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO RULE 12(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE was electronically filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the Southern District's Local Rules, and the Southern District's Rules on Electronic Service, upon the following parties and participants:

JOHN TROY, ESQ.
TROY LAW, PLLC
ATTORNEYS FOR PLAINTIFFS
41-25 Kissena Boulevard, Suite 119
Flushing, New York 11355

/s *Richard I. Greenberg* ____________
Richard I. Greenberg